

Notice of Allowability

Application No.

10/754,832

Applicant(s)

SANTHAGENS VAN EIBERGEN ET AL.

Examiner

Charles Goodman

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Preliminary Amendment filed on 1/9/04.
2. ☒ The allowed claim(s) is/are 5,6 and 9.
3. ☒ The drawings filed on 1/9/04 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/723,425.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/9/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


CHARLES GOODMAN
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The prior art of record do not anticipate nor do they reasonably teach or suggest the shaver as claimed in claim 1. One of the closest prior art, Clark (US 6,397,473), teaches a dynamic shaving system comprising many of the elements claimed including, *inter alia*, a main frame (e.g. 10); a spring unit (e.g. 20); and skin-supporting members (60, 70, 31, 41). See Figs. 7 and 9. Clark also includes elements (44, 34) that may be construed as a "frame" (which may read on the claimed "sub-frame"), but in actuality cannot because by definition, a "frame" is "something made up of parts fitted and joined together."¹ Clearly, these elements in Clark are independent and separate, and they are not parts that are somehow fitted and joined together to form a unit structure implicit in the definition. Moreover, while the claims must be "given their broadest reasonable interpretation consistent with the specification" during examination, *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000), the interpretation of the elements (44, 34) as reading on the claimed "sub-frame" would overstep these bounds due to the fact that the specification has consistently disclosed a unit structure for the sub-frame. Due to the independent nature of the elements (44, 34), there is no teaching or suggestion in Clark nor the other prior art of record to have these elements unified to form a frame because such a modification would destroy the teachings of the reference. Another close prior art, Gilder et al (US 6,295,734), also teaches safety razors comprising many of the claimed elements including, *inter alia*, a sub-frame (2, 3) and main frame (e.g. 32). Figs. 2-3. However, Gilder et al lacks the four skin-supporting

members at the locations as claimed. Moreover, there is no teaching or suggestion in Gilder et al nor the other prior art of record to provide Gilder et al with the same. Thus, it is the Examiner's opinion that the claimed invention is allowable over the prior art of record.

It is noted that the parent application US Serial No. 09/723,425 now US Patent 6,671,961 and the prosecution history thereof should be reviewed for further information.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. The Preliminary Amendment filed on 1/9/2004 has been entered.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-4508. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (571) 272-4514. In lieu of mailing, it is encouraged that all formal responses be faxed to (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

¹ Webster's II New Riverside University Dictionary, 1994.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at (866) 217-9197 (toll-free).



Charles Goodman
Primary Examiner
AU 3724

cg 

December 13, 2004

CHARLES GOODMAN
PRIMARY EXAMINER